

FILE COPY

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

MARGERY J. CORRICK, R.N.,  
RESPONDENT.

FINAL DECISION  
AND ORDER  
LS9703274NUR

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The Division of Enforcement and Administrative Law Judge are hereby directed to file their affidavits of costs with the Department General Counsel within 15 days of this decision. The Department General Counsel shall mail a copy thereof to respondent or his or her representative.

The rights of a party aggrieved by this Decision to petition the department for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 12th day of September 1997.

Lochyd Burns, R.N.

A Member of the Board

**STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING**

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**IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST**

**PROPOSED DECISION  
Case No. LS-9703274-NUR**

**MARGERY J. CORRICK, R.N.,  
RESPONDENT.**

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**PARTIES**

The parties in this matter under § 227.44, Stats., and for purposes of review under § 227.53, Stats., are:

Margery J. Corrick  
609 South 6th Street  
Watertown, WI 53094

Board of Nursing  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation & Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, Wisconsin 53708

This matter was commenced by the filing of a Notice of Hearing and Complaint on March 27, 1997. A hearing was held in the above-captioned matter on April 23, 1997. Atty. James W. Harris appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The respondent, Margery J. Corrick did not file an Answer and did not appear at the hearing.

Based upon the record herein, the Administrative Law Judge recommends that the Board of Nursing adopt as its final decision in this matter, the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF FACT**

1. Margery J. Corrick (d.o.b., 08/01/61), 609 South 6th Street, Watertown, WI is licensed as a registered nurse in the State of Wisconsin, license #0115445.

2. Respondent was employed as a registered nurse at the Beverly Terrace Nursing Home in Watertown, Wisconsin, at least from March 1, 1996 to July 3, 1996.

3. On two occasions between March 1, 1996 and July 3, 1996, respondent diverted a 30-pill blister pack of Vicodin, a Schedule III controlled substance, from the Beverly Terrace Nursing Home.

4. At least one of the two 30-pill blister packs of Vicodin which respondent diverted was re-ordered from a pharmacy by respondent for a resident at the nursing home. Respondent did not record the transaction in the patient's records.

5. Respondent did not file an Answer to the Complaint filed in this matter, and did not appear at the hearing held in this matter.

### **CONCLUSIONS OF LAW**

1. The Board of Nursing has jurisdiction in this matter pursuant to s. 441.07 (1), Stats., and ch. N 7, Wis. Adm. Code.

2. By having engaged in conduct as described in Findings of Fact 2-4, herein, respondent violated s. 441.07 (1) (b) and (d), Stats., and s. N 7.04 (1), (2), (6) and (15), Wis. Adm. Code.

3. By failing to file an Answer to the Complaint and failing to appear at the hearing held in this matter, respondent is in default under s. RL 2.14 Wis. Adm. Code.

### **ORDER**

**NOW, THEREFORE, IT IS ORDERED** that the license of Margery J. Corrick to practice as a registered nurse be, and hereby is, **SUSPENDED** for an **INDEFINITE PERIOD** of time.

#### **IT IS FURTHER ORDERED** that:

(1) **Petition for Stay**. Ms. Corrick may petition the Board at any time for a stay of the suspension of her license. In conjunction with such petition, Ms. Corrick shall submit documentation satisfactory to the Board of her fitness to safely and competently resume practice as a registered nurse.

(2) **Board Action**. Upon its determination that Ms. Corrick can safely and competently return to practice as a registered nurse, the Board may stay the suspension for a period of three (3) months, conditioned upon her compliance with the conditions and limitations set forth in paragraph (3).

(a) Respondent may apply for consecutive three (3) months extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the conditions and limitations imposed upon respondent's practice during the prior three (3) month period.

(b) Upon a showing by respondent of complete, successful and continuous compliance for a period of two (2) years with the terms of paragraph (3), below, the Board may grant a petition by respondent for return of full licensure if it determines that respondent may safely and competently engage in practice as a registered nurse.

(3) **Conditions of Stay**

(a) Respondent may not administer controlled substances, except under the direct supervision of another registered nurse.

b) Respondent shall comply with all statutes and rules relating to the practice of professional nursing.

(c) Respondent shall comply with any other condition, imposed by the Board at the time of its grant of the petition for stay, which is designed to assure that respondent is fit to safely and competently resume practice as a registered nurse.

d) Respondent shall provide all current and prospective nursing employers with a copy of this Final Decision and Order and any subsequent stay Orders; arrange for submission of quarterly reports to the Board of Nursing from her nursing employer (s) reporting the terms and conditions of her employment and evaluating her work performance, and report to the Board any change in her employment status within five (5) days of such change.

(4) **Petition for Modification of Terms**

Respondent may petition the Board in conjunction with any application for an additional stay to revise or eliminate any of the above conditions. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. s. 227.01 (3) and 227.42.

**IT IS FURTHER ORDERED** that pursuant to s. 440.22, Wis. Stats., the cost of this proceeding shall be assessed against respondent, and shall be payable to the Department of Regulation and Licensing.

This order is effective on the date on which it is signed by a designee of the Board of Nursing.

## OPINION

This matter was commenced by the filing of a Notice of Hearing and Complaint on March 27, 1997. A hearing was held on April 23, 1997. Atty. James W. Harris appeared on behalf of the Department of Regulation and Licensing, Division of Enforcement. The respondent, Margery J. Corrick, did not file an Answer to the Complaint and did not appear at the hearing.

Corinne Kleinhans, R.N., testified at the hearing at the request of the Division of Enforcement. Nurse Kleinhans is the Director of Nursing at the Beverly Terrace Nursing Home. She testified that in June 1996, when she attempted to administer Vicodin to Resident EP for pain she discovered that there was none available on the premises for the resident. She contacted Busse Pharmacy and was told that two, 30-day blister packs had been sent to the nursing home for Resident EP since her admission in January, 1996. According to Nurse Kleinhans, the medication administration record for Resident EP indicates that the resident had been given only 3 Vicodin pills during the time period between January, 1996 and June, 1996. *Exhibit #2.*

Nurse Kleinhans further testified in reference to the policy of the nursing home, that when medications for residents are low nurses are authorized to reorder medications so that there is a constant supply available for the residents.

Nurse Kleinhans said that prior to learning that the medication for Resident EP was missing, she was aware that there was a problem at the nursing home with medication which was unaccounted for or missing. As a result, she and the nursing home administrator at Beverly Terrace conducted an investigation to determine the source of the problem. On July 3, 1996, Nurse Kleinhans, along with the nursing home administrator, interviewed each nurse individually about the missing medication; they informed the nurses of the nursing home's policy, in reference to its willingness to help the individual if the individual came forward, and they requested that the nurses take a voluntary drug (urine) test.

In reference to Ms. Corrick, Nurse Kleinhans testified that she asked her if she knew anything and if she would take a voluntary drug test. Nurse Kleinhans stated that Ms. Corrick did not initially offer any information; appeared very fidgety; did not make eye contact and did not verbally respond when asked if she would take a drug test. Later that same day, Nurse Kleinhans spoke with Ms. Corrick again, at which time Ms. Corrick admitted that she reordered Vicodin for Resident EP and that the handwriting on the reorder form was her handwriting. Nurse Kleinhans asked Ms. Corrick why she had reordered the Vicodin in light of the fact that the medication had only been administered to the resident 3 times since January. Ms. Corrick did not have an answer, but admitted that she had taken two 30-day blister packs of Vicodin, one from Resident EP and one from another resident. Ms. Corrick told Nurse Kleinhans, that the two blister packs of Vicodin were the only ones she had taken and that she "did not have a problem". *Exhibit #1.*

Finally, the nursing home administrator at Beverly Terrace Nursing Home also testified at the hearing. He confirmed that Ms. Corrick admitted that she had taken two 30-day blister packs of Vicodin, one which had been reordered for Resident EP and one pack from another resident.

The evidence presented in this case establishes that the respondent violated numerous provisions of ch. 441, Stats., and ch. N 7 Wis. Adm. Code. Having found that Ms. Corrick violated laws governing the practice of professional nursing in Wisconsin, a determination must be made regarding whether discipline should be imposed, and if so, what discipline is appropriate.

The Board of Nursing is authorized under s. 441.07 (1), Stats., to reprimand a registered nurse or limit, suspend or revoke the license of a registered nurse if it finds that the individual has violated ch. 441, Stats., or any rule adopted by the Board under the statutes.

The purposes of discipline by occupational licensing boards are to protect the public, deter other licensees from engaging in similar misconduct and to promote the rehabilitation of the licensee. *State v. Aldrich*, 71 Wis. 2d 206 (1976). Punishment of the licensee is not a proper consideration. *State v. McIntyre*, 41 Wis. 2d 481 (1969).

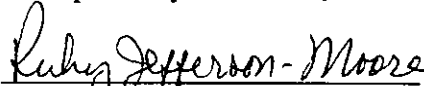
The Administrative Law Judge recommends that Ms. Corrick's license to practice as a registered nurse be suspended for an indefinite period of time. This measure is designed primarily to assure protection of the public and to deter other licensees from engaging in similar misconduct. Revocation of Ms. Corrick's license is not being recommended because when confronted by her employer she eventually admitted that she diverted the Vicodin pills; except for the two 30-pill blister packs the evidence does not establish that she diverted any other drugs, and the evidence does not establish that she self-administered the Vicodin pills or that she is drug dependent.

Public trust is essential to the practice of professional nursing. Ms. Corrick has shown by her conduct that she is dishonest and untrustworthy and that she is incapable of practicing as a registered nurse in a manner which safeguards the interests of the public. Ms. Corrick may petition the Board for a stay of the suspension of her license, subject to submission of documentation satisfactory to the Board of her fitness to safely and competently resume practice as a registered nurse.

Based upon the record herein, the Administrative Law Judge recommends that the Board of Nursing adopt as its final decision in this matter, the proposed Findings of Fact, Conclusions of Law and Order as set forth herein.

Dated at Madison, Wisconsin this 11th day of July, 1997

Respectfully submitted,

  
Ruby Jefferson-Moore  
Administrative Law Judge

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708.

**The Date of Mailing this Decision is:**

SEPTEMBER 17, 1997

### **1. REHEARING**

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

### **2. JUDICIAL REVIEW.**

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)

FILE COPY

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	ORDER FIXING COSTS
	:	Case # LS9703274NUR
MARGERY J. CORRICK, R.N.,	:	
RESPONDENT.	:	

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On September 12, 1997, the Board of Nursing filed its Final Decision and Order in the above-captioned matter by which the board ordered that pursuant to sec. 440.22, Wis. Stats., 100% of the costs of this proceeding be assessed against respondent. Pursuant to sec. RL 2.18 (4), Wis. Adm. Code, on July 18, 1997, the Board of Nursing received the *Affidavit of Costs* in the amount of \$573.10, filed by Attorney James W. Harris. On September 22, 1997, the Board of Nursing received the *Affidavit of Costs of Office of Board Legal Services* in the amount of \$81.00, filed by Administrative Law Judge Ruby Jefferson-Moore. The Board of Nursing considered the affidavits on November 13, 1997, and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that pursuant to sec. 440.22, Wis. Stats., the costs of this proceeding in the amount of \$654.10, which is 100% of the costs set forth in the affidavits of costs of Attorney James W. Harris and Administrative Law Judge Ruby Jefferson-Moore, which are attached hereto and made a part hereof, are hereby assessed against respondent, and shall be payable by him to the Department of Regulation and Licensing. **Failure of respondent to make payment on or before December 12, 1997, shall constitute a violation of the Order unless respondent petitions for and the board grants a different deadline.** Under sec. 440.22 (3), Wis. Stats., the Board of Nursing may not restore, renew or otherwise issue any credential to the respondent until respondent has made payment to the department in the full amount assessed.

To ensure that payments for assessed costs are correctly receipted, the attached "*Guidelines for Payment of Costs and/or Forfeitures*" should be enclosed with the payment.

Dated this 13th day of November, 1997.

BOARD OF NURSING

By:

  
A Member of the Board





STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

MARGERY J. CORRICK, R.N.,  
RESPONDENT.

AFFIDAVIT OF COSTS  
LS9703274NUR

STATE OF WISCONSIN     )  
                                  ) ss.  
COUNTY OF DANE         )

James W. Harris, being duly sworn, deposes and states as follows:

1. I am an attorney licensed in the state of Wisconsin employed by the Wisconsin Department of Regulation and Licensing, Division of Enforcement:

2. In the course of those duties I was assigned as a prosecutor in the above-captioned matter; and

3. Set out below are the costs of the proceeding accrued to the Division of Enforcement in this matter, based upon Division of Enforcement records compiled in the regular course of agency business in the above-captioned matter.

PROSECUTING ATTORNEY EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
1/15/97	review investigative reports	1.0
3/03/97	prepare complaint & notice of hearing	2.0
3/12/97	letter respondent	0.3
3/18/97	conference witnesses	2.0
3/19/97	prepare subpoenas	1.0
3/21/97	review investigative report	0.5
4/17/97	prehearing conference	0.3
4/23/97	hearing	2.0

TOTAL HOURS

9.1

Total attorney expense for 9.1 hours and minutes at  
\$ 41.00 per hour (based upon average salary and benefits

for Division of Enforcement attorneys) equals:

\$ 373.10

#### INVESTIGATOR EXPENSE

<u>Date</u>	<u>Activity</u>	<u>Time Spent</u>
9/16/96	file review	1.0
9/19/96	conf IPP coordinator	0.3
11/22/96	telconf complainant, letter Respondent	0.5
12/06/96	telconf complainant	0.5
12/09/96	telconf complainant	0.5
12/09/96	telconf DOT	0.3
12/09/96	telconf Gilbride	0.3
12/11/96	contact p.o. Watertown	0.3
12/19/97	letter Respondent	0.5
2/27/97	prepare subpoena request	0.3
3/19/97	service of process	3.0
4/23/97	hearing	2.0

#### TOTAL HOURS

9.5.

Total investigator expense for 9.5 hours and minutes at  
\$20.00 per hour (based upon average salary and benefits  
for Division of Enforcement investigators) equals:

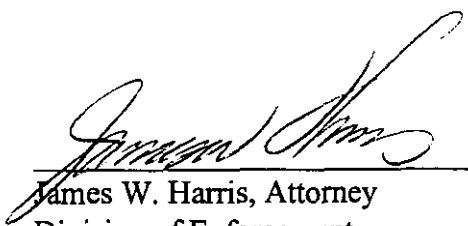
\$ 190.00

#### WITNESS FEES


Gilbride	\$ 5.00
Kleinhans	5.00

#### TOTAL ASSESSABLE COSTS

\$ 573.10

  
James W. Harris, Attorney  
Division of Enforcement

Subscribed and sworn to before me this  
18th day of July, 1997.

  
Notary Public

My Commission Permanent

# Department of Regulation & Licensing

State of Wisconsin

P.O. Box 8935, Madison, WI 53708-8935

(608)

TTY# (608) 267-2416  
TRS# 1-800-947-3529

hearing or speech  
impaired only

## GUIDELINES FOR PAYMENT OF COSTS AND/OR FORFEITURES

On September 12, 1997, the Board of Nursing  
took disciplinary action against your license. Part of the discipline was an assessment of costs and/or a  
forfeiture.

The amount of the costs assessed is: \$654.10 Case #: LS9703274NUR

The amount of the forfeiture is: \_\_\_\_\_ Case # \_\_\_\_\_

Please submit a check or a money order in the amount of \$ 654.10

The costs and/or forfeitures are due: December 12, 1997

NAME: Margery J. Corrick LICENSE NUMBER: 115445

STREET ADDRESS: 609 South 6th Street

CITY: Watertown STATE: WI ZIP CODE: 53094

Check whether the payment is for costs or for a forfeiture or both:

X COSTS \_\_\_\_\_ FORFEITURE

Check whether the payment is for an individual license or an establishment license:

X INDIVIDUAL \_\_\_\_\_ ESTABLISHMENT

If a payment plan has been established, the amount due monthly is:

Make checks payable to:

**DEPARTMENT OF REGULATION AND LICENSING**  
**1400 E. WASHINGTON AVE., ROOM 141**  
**P.O. BOX 8935**  
**MADISON, WI 53708-8935**

**For Receipting Use Only**

#2145 (Rev. 9/96)

Ch. 440.22, Stats.

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Committed to Equal Opportunity in Employment and Licensing+

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE BOARD OF NURSING

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In the Matter of Disciplinary Proceedings Against

Margery J. Corrick, R.N.,

AFFIDAVIT OF MAILING

Respondent.

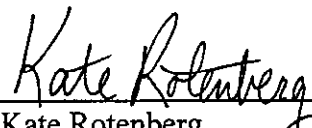
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STATE OF WISCONSIN    )  
                                  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

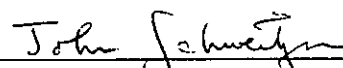
1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On November 17, 1997, I served the Order Fixing Costs dated November 13, 1997, and Guidelines for Payment of Costs and/or Forfeitures, LS9703274NUR, upon the Respondent Margery J. Corrick, R.N. by enclosing true and accurate copies of the above-described documents in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 159 643.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

Margery J. Corrick, R.N.  
609 S. 6th Street  
Watertown WI 53094

  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 17<sup>th</sup> day of November 1997.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent.



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson  
Governor

Marlene A. Cummings  
Secretary

1400 E. WASHINGTON AVENUE  
P.O. BOX 8935  
MADISON, WISCONSIN 53708-8935  
(608) 266-2112

September 23, 1997

MARGERY J. CORRICK, R.N.  
609 SOUTH 6TH STREET  
WATERTOWN WI 53094

RE: In The Matter of Disciplinary Proceedings Against Margery J. Corrick, R.N.,  
Respondent, LS9703274NUR, Assessment of Costs

Dear Ms. Corrick:

On September 12, 1997, the Board of Nursing issued an order involving your license to practice as a registered nurse. The order requires payment of the costs of the proceedings.

Enclosed please find the Affidavits of Costs of the Office of Legal Services and the Division of Enforcement in the above captioned matter. The total amount of the costs of the proceedings is \$654.10.

Under sec. RL 2.18, Wis. Adm. Code, objections to the affidavits of costs shall be filed in writing. Your objections must be received at the office of the Board of Nursing, Room 178, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, on or before October 12, 1997. After reviewing the objections, if any, the Board of Nursing will issue an Order Fixing Costs. Under sec. 440.23, Wis. Stats., the board may not restore or renew a credential until the holder has made payment to the department in the full amount assessed.

Thank you.

Sincerely,

Pamela A. Haack  
Administrative Assistant  
Office of Legal Services

Enclosures

cc: Board of Nursing  
Department Monitor

Regulatory Boards

Accounting; Architects, Landscape Architects, Professional Geologists, Professional Engineers, Designers and Land Surveyors, Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers, Marriage and Family Therapists and Professional Counselors; and Veterinary

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## NOTICE OF APPEAL INFORMATION

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**Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.**

**Serve Petition for Rehearing or Judicial Review on:**

STATE OF WISCONSIN BOARD OF NURSING

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

November 17, 1997

### 1. REHEARING

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